
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Mag No. 14-7144 (CLW)
v. :
GABRIEL FRANCIS TORO : **CRIMINAL COMPLAINT**

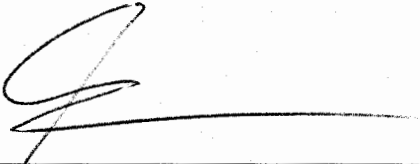
I, Isidro Cruz, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

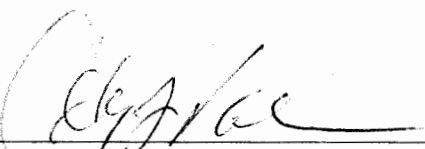


Special Agent Isidro Cruz
United States Department of Homeland Security,
Homeland Security Investigations

Sworn to before me and subscribed in my presence,

August 18, 2014 at Newark, New Jersey
Date City and State

Honorable Cathy L. Waldor
United States Magistrate Judge
Name and Title of Judicial Officer



Signature of Judicial Officer

ATTACHMENT A

Count I

Sexual Exploitation of Children

From in or about June 2012 through at least in or about October 2012, in Union County, in the District of New Jersey, and elsewhere, defendant

GABRIEL FRANCIS TORO

did knowingly employ, use, persuade, induce, entice, and coerce a minor female, "VICTIM 1," to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce,

In violation of Title 18, United States Code, Sections 2251(a) and 2.

ATTACHMENT B

I, Isidro Cruz, am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations. I have knowledge of the following facts based upon both my investigation and discussions with other law enforcement personnel and others. Because this Affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known to the government concerning this matter. Where statements of others are set forth herein, these statements are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

Background

1. At all times relevant to this Complaint, defendant GABRIEL FRANCIS TORO resided in Bronx, New York.
2. At all times relevant to this Complaint, VICTIM 1 resided in New Jersey.

Sexual Exploitation of Children

3. From in or around December 2011 through at least in or about April 2014, defendant TORO communicated in person and via email, telephone, and Internet-based applications with a minor female ("VICTIM 1").
4. In email communications between TORO and VICTIM 1, TORO acknowledged that VICTIM 1 was fourteen and, on December 31, 2011, wrote to VICTIM 1, "I was intrigued by your age. I haven't been with many younger girls."
5. In other emails dated December 31, 2011, TORO asks VICTIM 1, "PLEASE, assault me with your pictures. You're a perfect little girl." Also on December 31, 2011, after sexually explicit communications between the two, VICTIM 1 tells TORO that she often visits New York City with her family. TORO responds, "Go to a 'friends house.' And then make a trip to the city. I could always meet you in Manhattan. You would be the ideal girl for me."
6. Over the course of their email correspondence from 2011 through 2014, TORO regularly asked VICTIM 1 to send him nude images of herself. As an example, on or about June 16, 2012, TORO sent VICTIM 1 an email that read, "Here is the calendar plans" and described twelve different nude or partially nude images that VICTIM 1 should take of herself, including how she should position her body relative to the camera and what she should do and/or wear in the photograph. The fifth item on the list read, "Short skirt or dress, playfully lifting it up to show you have no panties on. Glasses, pigtails" and the eighth item on the list read, "Bra and panties. Panties lowered exposing yourself, touching yourself. Breasts removed from bra, completely exposed."

7. In response, on or about October 26, 2012, VICTIM 1 sent an email to TORO attaching twelve images of VICTIM 1 in various states of undress. Each image corresponded to one of the image descriptions that TORO asked VICTIM 1 to take in the June 16, 2012 email. Two of the email attachments are described as follows:

Filename	Description
Snapshot_20121026_5.jpg	This image depicts a white minor female who appears to be standing in a bedroom with blue walls. Behind the minor female is a dresser and bookshelf. The minor female is wearing glasses and has her light brown hair in two pigtails. The minor female is dressed in a purple dress, the front of which she is lifting with her left hand to expose her pubic area. The minor female is holding her right pointer finger to her closed mouth.
Snapshot_20121026_10.jpg	This image depicts a white minor female with light brown hair who appears to be standing in a bedroom with blue walls. Behind the minor female is a dresser and bookshelf. The minor female is dressed in a black lace bra and pink underwear with her breasts fully outside the bra and her right hand pulling down the front of the underwear to expose her pubic area. The minor female's left hand appears to be in the minor female's vaginal area.

8. In or about January 2012, TORO distributed nude images of VICTIM 1 to another individual via email.

9. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the images described in paragraph 7 above were transported and transmitted in interstate commerce and were produced using materials that were mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.